

**DURHAM, NORTH CAROLINA
MONDAY, APRIL 17, 2000
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk D. Ann Gray and Acting Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order and at that time, City Clerk D. Ann Gray swore in Rev. James Edward Vaughn as a member of the Cable TV Advisory Board.

Mayor Pro Tempore Clement acknowledged the appointment of Police Chief Chambers to the National Community Policing Board.

Council Member Stith made comments about a recently held Workforce Development Board Annual Meeting.

Council Member Langley congratulated DeWarren Langley, a 9th grader at Jordan High School, for putting together Teens Politically Active (TPA) -- a volunteer organization to promote leadership among teenagers.

Mayor Tennyson recognized Council Member Langley for receiving the Outstanding Woman of the Year Award.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. There were no priority items.

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting.

Mayor Tennyson noted that the additional motion added to Consent Item #26 [RESOLUTION ELIMINATING ASSESSMENTS FOR CITY-INITIATED SIDEWALK PROJECTS] would be severed.

MOTION by Council Member Larson seconded by Council Member Cheek to approve the Consent Agenda as amended excluding the additional motion added to Consent Item #26 was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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[CONSENT AGENDA]

SUBJECT: PRESENTATION FROM ADEQUATE PUBLIC FACILITIES TASK FORCE

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a presentation from the Adequate Public Facilities Task Force concerning growth management issues was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: MINORITY/WOMEN BUSINESS ENTERPRISE ADVISORY COMMITTEE - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint Phyllis Y. Bailey, Dawn Donovan and I. Jarvis Martin to the Minority/Women Business Enterprise Advisory Committee with terms to expire December 15, 2002 was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: RESOLUTION DESIGNATING ACTING CITY CLERK

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Designating Acting City Clerk in the Absence of the City Clerk" was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: REPORT ON DURHAM COUNTY OCTENNIAL PROPERTY REVALUATION

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Finance Department and Durham County on the Octennial Property Revaluation was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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SUBJECT: SELECTION OF FINANCIAL ADVISOR - PUBLIC FINANCIAL MANAGEMENT (PFM)

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into an agreement with Public Financial Management (PFM) to serve as the City's Financial Advisor was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: PRESENTATION FROM TECHNOLOGY SOLUTIONS DEPARTMENT

To receive a presentation from the Technology Solutions Department concerning community service.

MOTION by Council Member Larson seconded by Council Member Jacobs to hold this item until the April 27, 2000 Committee-of-the-Whole Meeting was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SCHEDULING OF PUBLIC HEARING ON THE TRANSFER OF CONTROL OF THE CABLE TELEVISION FRANCHISE FROM TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP, INC. TO AMERICA ONLINE, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to set a public hearing on Monday, May 1, 2000 on the transfer of control of the cable television franchise from Time Warner Entertainment-Advance/Newhouse Partnership, Inc. to America Online, Inc. was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: AMENDMENT NUMBER 1 TO LEASE AGREEMENT BETWEEN HERITAGE SQUARE ASSOCIATES AND THE CITY OF DURHAM

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute Amendment Number 1 to the Lease Agreement with Heritage Square Associates to extend the lease term for an additional three years was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes:

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None. Absent: None.

**SUBJECT: PROPOSED SALE OF A PORTION OF CITY TRACT #1444 -
BRENDA WATSON**

MOTION by Council Member Larson seconded by Council Member Jacobs to accept Ms. Brenda Watson's offer of \$5,000 to purchase a portion of City Tract #1444, Durham County Tax Map 870-01-16, and to authorize conveyance of the parcel by non-warranty deed was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
SUBRECIPIENT AGREEMENT WITH DURHAM COUNTY HABITAT
FOR HUMANITY - ELLERBEE STREET - \$190,000**

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a CDBG Subrecipient Agreement and related documents with Durham County Habitat for Humanity, Inc. in an amount not to exceed \$190,000, and to make minor changes to the Grant Agreement as are consistent with the grant terms and CDBG regulations as published by the U.S. Department of Housing and Urban Development was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
SUBRECIPIENT AGREEMENT WITH THE DURHAM HOSIERY MILL
- \$100,000 [804 ANGIER AVENUE]**

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a CDBG Subrecipient Agreement in an amount up to \$100,000 with the Durham Hosiery Mill Limited Partnership, Inc. to be used for the asbestos removal, asbestos air monitoring and demolition of two buildings located at 804 Angier Avenue, Durham, North Carolina was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
SUBRECIPIENT AGREEMENT WITH THE LOVETTE SQUARE**

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LIMITED PARTNERSHIP - \$32,500 - 211 STOKES STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a CDBG Subrecipient Agreement in an amount up to \$32,500 with Lovette Square Limited Partnership to be used for the demolition of an existing fence and the surveying, construction and landscaping of a new fence near the boundary line of the dedicated public right-of-way along the Alston and Angier Avenue side of Lovette Square Apartments located at 211 Stokes Street, Durham, North Carolina was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SITE PLAN/PRELIMINARY PLAT APPROVAL - COPPER CREEK AT AUBURN (ALSO KNOWN AS AUBURN, POD 6)

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan/preliminary plat for Copper Creek at Auburn (a.k.a. Auburn, Pod 6), submitted by Withers & Ravenel Engineering & Surveying, Inc., consisting of 117 single family, attached homes on a ±29.09 acre site zoned PDR 5.37 and F/J-B, located on the east side of Barbee Road, south of the proposed Woodcroft Parkway Extension, and north of I-40, within the Auburn Subdivision (Tax Map #548-1-23 [partial]; PIN #0728-02-68-3879 [part]) was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - COSTCO WHOLESALE, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Costco Wholesale, Inc., submitted by Bohler Engineering, PC, consisting of a 148, 663 square foot retail and wholesale facility with gasoline fueling station on an 18.070 acre tract, zoned GC(D) and F/J-B and located on the west side of Broad Street and north of North Pointe Drive (Tax Map 303-1-1) (PIN #0822-07-59-4622) was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: LEBANON TOWNSHIP PLAN

To adopt the Lebanon Township Small Area Plan subject to

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corrections and additions, as shown in the attachment.

MOTION by Council Member Larson seconded by Council Member Jacobs to continue this item until the May 1, 2000 City Council Meeting was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: CONSTRUCTION CONTRACT FOR THE RENOVATION OF EAST END PARK WITH HUSKY CONSTRUCTION CORPORATION, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with Husky Construction Corporation, Inc. in the amount of \$198,230.00, with a contingency of \$20,000.00, for the renovation of East End Park was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: INTERIM LICENSE AGREEMENT WITH BELL SOUTH

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute an interim license agreement with BellSouth and to make revisions to such agreement, provided that such revisions do not substantially decrease the requirements imposed upon BellSouth was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: PROPOSED SITE ACCESS, RELEASE INDEMNITY AND LICENSE AGREEMENT BETWEEN PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INC. AND THE CITY OF DURHAM

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute the License Agreement, Site Access, Release, and Indemnity Agreement between Public Service Company of North Carolina, Inc. and the City of Durham; and

To authorize the City Manager to make changes he deems appropriate and execute any other implementation documents, provided such changes and documents are consistent with the intent and purpose of the Agreement was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro

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Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: MULTI-MODAL TRANSPORTATION CENTER UPDATE

To receive a power point presentation from the Administration concerning the Multi-Modal Transportation Center update.

MOTION by Council Member Larson seconded by Council Member Jacobs to hold this item until the April 27, 2000 Committee-of-the-Whole Meeting was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: DURHAM TRANSPORTATION DEMAND MANAGEMENT PLAN

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Durham Transportation Demand Management Plan; and

To adopt a "Resolution to Permit a County Ordinance Requiring Commute Trip Reduction to be Enforced within the Jurisdiction of the City of Durham and to Adopt Such Ordinance in Such Portions of the City Where the County Ordinance May Not be Enforced" was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - SUN RIVER BUILDERS, INC. - EAST SIDE OF FOUNTAIN STREET JUST NORTH OF ROSS ROAD

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into Water and Sewer Extension Agreement with Sun River Builders, Inc. to extend City water and sewer to serve a single family residential lot on 0.25 acre on the east side of Fountain Street just north of Ross Road was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: WATER EXTENSION AGREEMENT - TICON, INC. - SOUTHEAST CORNER OF PAGE AND LUMLEY ROADS

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MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a Water Extension Agreement with Ticon, Inc. to extend City water to serve a 41.25 acre 488 unit apartment complex located at the southeast corner of Page and Lumley Roads was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: CONTRACT ST-203 - AVONDALE DRIVE SIDEWALK - TRIANGLE GRADING AND PAVING COMPANY

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract with Triangle Grading and Paving Company in the amount of \$108,394.37 for Contract ST-203; and

To authorize the expenditure of up to \$135,000.00 from the New Sidewalk Construction Account was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: CONTRACT ST-204 - GEER STREET AND ACADIA STREET SIDEWALK - TRIANGLE GRADING AND PAVING COMPANY

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract with Triangle Grading and Paving Company in the amount of \$121,802.25 for Contract ST-204; and

To authorize the expenditure of up to \$152,500.00 from the New Sidewalk Construction Account was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: CONTRACT ST-205 - FLEET MAINTENANCE LOT REPAIR, PHASE IV - R & G CONSTRUCTION COMPANY

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract with R & G Construction Company in the amount of \$81,411.00 for Contract ST-205; and

To authorize the expenditure of up to \$101,800.00 from the

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Fleet Maintenance Lot Repair Account was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: RESOLUTION ELIMINATING ASSESSMENTS FOR CITY-INITIATED SIDEWALK PROJECTS

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Discontinuing the Policy of Assessing Property Owners for City-Initiated Sidewalk Improvements" and to not assess any pending projects that have yet to be assessed was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

MOTION by Council Member Larson seconded by Council Member Jacobs to direct staff to report back on the financial impact of reimbursement for previously assessed City-initiated (Enabling Act Authority) sidewalk projects since implementation of the sidewalk program was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Edwards, Langley, Larson, McKissick, and Wagstaff. Noes: Council Members Cheek, Hill, Jacobs and Stith. Absent: None.

SUBJECT: TRAFFIC/SIDEWALK ISSUES ALONG DEARBORN DRIVE

MOTION by Council Member Larson seconded by Council Member Jacobs to consider installation of sidewalks in this area in accordance with established policies and available grant funding; and

To approve the installation of a vehicle flasher on Dearborn Drive near Martin Street, at a cost of \$11,500.00; and

To request that the North Carolina Department of Transportation install a traffic signal at the intersection of Club Boulevard, Midland Terrace, and Dearborn Drive was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN PETITIONED IMPROVEMENTS

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MOTION by Council Member Larson seconded by Council Member Jacobs to accept a Certificate of Sufficiency from the Manager of Engineering for each of the following petitions; and

To adopt resolutions setting public hearings on Monday, May 1, 2000 to consider ordering the improvements was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- a. **Curb, Gutter, and Paving, and Water and Sewer Laterals on Larchwood Drive** from Booker Avenue to Fayetteville Road; and
- b. **Sidewalk on Clermont Road (South Side)** from Pelham Road to Euclid Road; **Euclid Road (East Side)** from Clermont Road to Revere Road and **Blanchard Road (East Side)** from Euclid Road to NC Highway 54.

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the official minutes of the March 6, 2000 and March 20, 2000 City Council Meetings was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

SUBJECT: CONTRACT WITH PHOENIX COMMUNICATIONS, LTD - MARKETING AND COMMUNICATIONS AGENCY OF RECORD FOR THE CITY OF DURHAM

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with Phoenix Communications, LTD in the amount of \$31,240 as the marketing and communications agency of record for the City of Durham; and

To authorize the City Manager to make changes to the contract provided such changes are consistent with the intent and purpose of the contract, do not lessen the obligations of the contractor and do not increase the amount of the contract was approved at 7:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None.

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Absent: None.

[PUBLIC HEARINGS]

SUBJECT: CURB, GUTTER AND PAVING - TUCKAWANNA AVENUE FROM JOYLAND AVENUE TO ADAMS STREET (MINI ASSESSMENT ROLL)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of Joseph C. and Helen T. Moore, Jr., identified as Tax Map #375-2-11, 2603 Tuckawanna Avenue, Lots 6 and 7, Woodcrest, Section One, has benefited from the improvements and to confirm the assessment in the amount of \$2,384.40 (corner lot relief given in accordance with City policy) was approved at 7:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SIDEWALK - LAKEWOOD AVENUE (NORTH SIDE) FROM SHEPHERD STREET EAST TO RAILROAD RIGHT-OF-WAY (ENABLING ACT AUTHORITY)

Lee Murphy, of the Public Works Department, recommended that the City Council take a negative vote on the following four (4) items in light of the action taken on Consent Item #26 [RESOLUTION ELIMINATING ASSESSMENTS FOR CITY-INITIATED SIDEWALK PROJECTS].

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

Council Member Larson asked staff would there be any negative impact from this negative action.

Lee Murphy, of the Public Works Department, replied no.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering sidewalk on Lakewood Avenue (North Side) from Shepherd Street east to railroad right-of-way under the Enabling Act Authority **FAILED** at 7:15 p.m. by the following vote: Ayes: None. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley,

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Larson, McKissick, Stith and Wagstaff. Absent: None.

SUBJECT: SIDEWALK - DUKE STREET (WEST SIDE) FROM UNIVERSITY DRIVE TO LAKEWOOD AVENUE AND DUKE STREET (EAST SIDE) FROM UNIVERSITY DRIVE TO COBB STREET (ENABLING ACT AUTHORITY)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Wagstaff to adopt a resolution ordering sidewalk on sidewalk on Duke Street (West Side) from University Drive to Lakewood Avenue and Duke Street (East Side) from University Drive to Cobb Street under the Enabling Act Authority **FAILED** at 7:17 p.m. by the following vote: Ayes: None. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: None.

SUBJECT: SIDEWALK - VICKERS AVENUE (WEST SIDE) FROM UNIVERSITY DRIVE NORTH TO PROCTOR STREET (ENABLING ACT AUTHORITY)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Wagstaff to adopt a resolution ordering sidewalk on Vickers Avenue (West Side) from University Drive north to Proctor Street under the Enabling Act Authority **FAILED** at 7:17 p.m. by the following vote: Ayes: None. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: None.

SUBJECT: SIDEWALK - UNIVERSITY DRIVE (WEST SIDE) FROM HERMITAGE COURT DRIVE NORTH TO LAKEWOOD AVENUE (ENABLING ACT AUTHORITY)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering sidewalk on University

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Drive (West Side) from Hermitage Court Drive north to Lakewood Avenue under the Enabling Act Authority **FAILED** at 7:18 p.m. by the following vote: Ayes: None. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: None.

SUBJECT: DRAFT FIVE-YEAR CONSOLIDATED PLAN AND ANNUAL ACTION PLAN - PUBLIC HEARING

To receive citizens' comments on the Draft Five-Year Consolidated Plan to be effective for fiscal years 2000-2005 and the Annual Action Plan to be effective for fiscal year 2000-2001.

City Manager P. Lamont Ewell requested that the council receive citizens' comments and continue the public hearing. He noted that there may be other modifications and would like to bring this item back in the next two weeks.

Mayor Tennyson opened the public hearing. No one spoke on this item.

MOTION by Council Member Larson seconded by Council Member Stith to continue the public hearing without further advertising until the May 1, 2000 City Council Meeting was approved at 7:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: STONE HILL VII ANNEXATION - FY 2000-17

To receive citizens' comments concerning the annexation of 2.61 acres of contiguous property to the City limits located on the north and south sides of Thornwood Drive at the intersection with Obsidian Way; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Stone Hill VII)"--effective June 30, 2000.

Ruffin Hall, of the Budget Office, noted that the applicant requested that the public hearing be continued until the May 15, 2000 City Council Meeting.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Stith to continue public hearing without further advertising until the May 15, 2000 City Council Meeting was

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approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[ZONING CASES]

SUBJECT: RIDGEWOOD SITE, CASE: P00-15 - ANNEXATION, CITY OF DURHAM, CHUNKY PIPE ROAD, NORTH OF MINERAL SPRINGS ROAD, SOUTH OF BRIGHTWOOD LANE AND WEST OF FLETCHER'S CHAPEL ROAD,

a. Case: P00-15 - Annexation

Initiated by: City of Durham

Location: 108.53 acres adjacent to developing Ridgewood Subdivision, accessed off Chunky Pipe Road, north of Mineral Springs Road, south of Brightwood Lane and west of Fletcher's Chapel Road

Request: RD (Rural District) and R-20 (Residential 20 District); F/J-B; Initial zoning of property newly annexed into the City (no change from County zoning classification)

(**Note:** Rezoning to PDR-2.85) is being considered in Case P99-44)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City RD and R-20; F/J-B zoning for the above described property.

Zoning Committee's Recommendation and Vote: Scheduled for courtesy review on April 11, 2000

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City RD and R-20; F/J-B zoning for the above described property was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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**SUBJECT: ZONING MATTER CASE: P99-44, ED ASSOCIATES
(RIDGEWOOD), CHUNKY PIPE ROAD, NORTH OF MINERAL
SPRINGS ROAD, SOUTH OF BRIGHTWOOD LANE, WEST OF
FLETCHER'S CHAPEL ROAD**

b. Case: P99-44

Applicant: ED Associates (Ridgewood)

Location: 108.53 acres adjacent to developing Ridgewood Subdivision, accessed off Chunky Pipe Road, north of Mineral Springs Road, south of Brightwood Lane, west of Fletcher's Chapel Road

Request: Rezoning from RD (Rural District) and R-20 (Residential 20 District); F/J-B to PDR 2.85 (Planned Density Residential District with maximum of 2.85 units per acre); F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and R-20; F/J-B and placing same in and establishing same as PDR 2.85; F/J-B.

Zoning Committee's Recommendation and Vote: Approval (6-1)

Planning Department's Recommendation: Approval

Shelia Stains-Ramp, of the City/County Planning Department, gave a summary of the staff's report. She noted that the rezoning does comply with the 2005 and 2020 Plans and meets all the technical requirements of the ordinance.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Attorney Jack Markham, representing the applicant, briefed Council on the proposed request. He noted that the applicant will install a left turn lane at the intersection of Daniel Road and N. Mineral Springs Road to improve traffic flow. Attorney Markham requested approval of the rezoning request.

No one spoke in opposition to this request.

Mayor Tennyson declared the public hearing closed.

Council Blyth asked staff to summarize the impact this will have on the resource protection ordinance.

Sheila Stains-Ramp, of the City/County Planning Department, made reference to the staff report highlighting the following areas: floodplains, density transfers, stream buffers, tree coverage, steep slopes, wetlands, mass grading and watershed.

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Discussion was held by Council concerning the green and active areas on the map. [Map distributed to Council by applicant]

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and R-20; F/J-B and placing same in and establishing same as PDR 2.85; F/J-B was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: ADLETT PARK SITE, CASE: P00-13, CITY OF DURHAM, ADLETT LANE AND MINERAL SPRINGS ROAD

a. Case: P00-13 - Annexation

Initiated by: City of Durham

Location: 14.4 acres on Adlett Lane and Mineral Springs Road

Request: RD (Rural District); F/J-B; Initial zoning of property newly annexed into the City (no change from County zoning classification)

(**Note:** Rezoning to R-10(D) is being considered in Case P99-52)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City RD; F/J-B zoning for the above described property.

Zoning Committee's Recommendation and Vote: Scheduled for courtesy review on April 11, 2000

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City RD; F/J-B zoning for the above described property was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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SUBJECT: ZONING CASE P99-52, J. L. CONCRETE, INC. (ADLETT PARK) ADLETT LANE AND MINERAL SPRINGS ROAD

b. Case: P99-52

Applicant: J. L. Concrete, Inc. (Adlett Park)

Location: 14.4 acres on Adlett Lane and Mineral Springs Road

Request: Rezoning from RD (Rural District); F/J-B to R-10(D) (Residential 10 District with a Development Plan); F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD; F/J-B and placing same in and establishing same as R-10(D); F/J-B.

Zoning Committee's Recommendation and Vote: Approval (6-1)

Planning Department's Recommendation: Approval

Shelia Stains-Ramp, of the City/County Planning Department, brief Council on the proposed request noting that the developer will be providing the minimum tree coverage.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Ron Horvath, representing the applicant, briefed Council on the proposed project. He requested endorsement of this project.

No one spoke in opposition to the request.

Mayor Tennyson declared the public hearing closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD; F/J-B and placing same in and establishing same as R-10(D); F/J-B was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: LAKE UNITY SITE - CASE: P00-16, CITY OF DURHAM, WEST OF FLETCHER'S CHAPEL ROAD, NORTH OF BRIGHTWOOD LANE AND EAST OF MEDALLION DRIVE

a. Case: P00-16 - Annexation

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Initiated by: City of Durham

Location: 194.02 acres west of Fletcher's Chapel Road, north of Brightwood Lane and east of Medallion Drive

Request: RD (Rural District); F/J-B; Initial zoning of property newly annexed into the City (no change from County zoning classification)

Note: Rezoning of 137.29 acres to PDR-2.98 is being requested in Case P99-65.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City RD; F/J-B zoning for the above described property.

Zoning Committee's Recommendation and Vote: Scheduled for courtesy review on April 11, 2000

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City RD; F/J-B zoning for the above described property was approved at 7:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, and Stith. Noes: Council Member Wagstaff. Absent: None.

SUBJECT: ZONING CASE P99-65, JAMES BRANCH AND LLOYD GOODE

b. **Case: P99-65**

Applicant: James Branch and Lloyd Goode

Mayor Tennyson noted that this item was held until the May 8, 2000 Public Works Committee Meeting.

SUBJECT: STONE HILL SUBDIVISION SITE, CASE: P00-14, CITY OF DURHAM, THORNWOOD ROAD AND BROMHOLM LANE

a. **Case: P00-14 - Annexation**

Initiated by: City of Durham

Location: 2.61 acres between Thornwood Road and Bromholm Lane

Request: R-20 (Residential 20 District); F/J-B; Initial zoning of property newly annexed into the City (no change from County zoning classification)

(Note: Rezoning to R-10(D) is being considered in Case

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P99-85)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City R-20; F/J-B zoning for the above described property

Zoning Committee's Recommendation and Vote: Scheduled for courtesy review on April 11, 2000

Planning Department's Recommendation: Approval

Mayor Tennyson opened the public hearing.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson to continue public hearing on this item without further advertising until the May 15, 2000 City Council Meeting was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P99-85, DURHAM LAND COMPANY
(STONE HILL PHASE VII), THORNWOOD ROAD AND BROMHOLM
LANE (STONE HILL SUBDIVISION)**

b. Case: P99-85

Applicant: Durham Land Company (Stone Hill Phase VII)
Location: 2.61 acres between Thornwood Road and Bromholm Lane (Stone Hill Subdivision)
Request: Rezoning from R-20 (Residential 20 District); F/J-B to R-10(D) (Residential 10 District with a Development Plan); F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20; F/J-B and placing same in and establishing same as R-10(D); F/J-B

Zoning Committee's Recommendation and Vote: Approval (6-1)

Planning Department's Recommendation: Approval

Mayor Tennyson opened the public hearing.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson to continue public hearing on this item without further advertising until the May 15, 2000 City Council Meeting was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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[ADDITIONAL ITEMS]

SUBJECT: SPECIAL CITY COUNCIL MEETING, THURSDAY, APRIL 27, 2000, SPEAKING TIME LIMITATIONS

MOTION by Council Member Larson seconded by Council Member Jacobs to set a Special City Council Meeting on Thursday, April 27, 2000 at 7:00 p.m., in the Committee Room to discuss City Council Procedures related to speaking time limitations was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SPECIAL CITY COUNCIL MEETING, THURSDAY, MAY 11, 2000 - REVIEW OF CITY COUNCIL EMPLOYEES

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to schedule a Special City Council Meeting on Thursday, May 11, 2000 following the Committee-of-the-Whole Meeting for review of City Council employees was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SPECIAL JOINT CITY COUNCIL/COUNTY COMMISSIONERS MEETING, TUESDAY, MAY 16, 2000, COST BENEFIT STUDY BY DMG MAXIMUS - MERGED GOVERNMENT

MOTION by Council Member Larson seconded by Council Member Cheek to schedule a Special Joint City Council/County Commissioners Meeting on Tuesday, May 16, 2000 at 8:00 p.m. in the Council Chambers to receive a report on the Cost Benefit Study by DMG Maximus concerning the merged Government was approved at 7:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[ITEM PULLED FROM CONSENT]

SUBJECT: RESOLUTION MEMORIALIZING KAREN MORGAN PASCHALL

A motion was made by Council Member Larson seconded by Council Member Jacobs to approve a resolution memorializing

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Karen Morgan Paschall brought forward by the Durham City Council.

Council Member Hill noted for clarification that the minutes from the Council Procedures Committee reflected that the resolution policy would be effective July 1, 2000.

SUBSTITUTE MOTION was made by Council Member Hill seconded by Council Member McKissick to adopt a resolution memorializing Karen Morgan Paschall introduced by Council Member McKissick was approved at 7:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 7:53 p.m.

D. Ann Gray, CMC
City Clerk

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